

ferent, it was as effectual as ever it had been; and although changed, it was altered not merely by one public Act of Assembly, of which every one was bound to take notice; but by a whole system of public Acts altogether in affirmance of the ancient pre-existing principles of confiscation as regards debtor and creditor; and of a character so important and interesting to the people at large, that Hepburn could not fail to have been actually well acquainted with them and all their provisions involving his interests.

Looking to these remedies, by some of which Hepburn might certainly have obtained payment of his claim against the Mollisons, if it had not been previously satisfied; I might here safely \* rest the rejection of it upon this peculiar Act of Limita-  
 tion, by which it was in the clearest terms designated, and **118**  
 finally excluded, as a claim against the State on account of property confiscated, which had not been brought in and passed by the Auditor-General, on or before the first day of September, 1787. 1786, ch. 18. But, as it is fit that the whole ground upon which the State rests its defence against this claim, should be fully laid open, I shall proceed.

It is clear then, that this creditor lost nothing by the operation of the Confiscation Acts; they placed none of the funds of his debtors beyond his reach; nor did they leave him without the most effectual remedies by which he might have made those funds available. And consequently, nothing can be found in those Acts, that will afford the slightest protection to his claim against the full force of the presumption of satisfaction, arising from the great lapse of time since it became due. But suppose no such Confiscation Acts had been passed, then the Mollisons must be considered, prior to the 4th of July, 1776, as British merchants resident beyond the jurisdiction of this State; after that time, until the peace of 1783, as alien enemies; *Barclay v. Russell*, 3 Ves. 433; and thenceforward as alien friends resident abroad; who during all that time had property within the jurisdiction of this State. Then it may be asked, would Hepburn have been without remedy, or would any of his legal remedies for the recovery of his debt have been impaired or destroyed by the intervening war or other circumstances?

The case of a debtor resident abroad, who has property remaining in the country of his creditor, is a common one, which must frequently occur everywhere; and a code of laws, that gave no adequate remedy to the creditor, in such case, would be mainly defective. The name of the process, or the form of the proceeding, is of no importance, so that relief can be obtained by it. In the English books the London foreign attachment is said to be a mode whereby the goods and debts of a foreigner in some liberty may be taken to satisfy his creditors within such liberty. *Jacobs' Law Dict. v. Foreign Attachment*. And outlawry in civil actions is considered as in nature of civil process to compel an appearance to